

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NYJEE L. BOYD,

Plaintiff,

v.

DR. DEASIS, EBONY JOHNSON,
JOHN DOES 1-3, JOHN SANNA
KEVIN NEWTON,

Defendants.

DECISION AND ORDER

6:16-CV-06370 EAW

On October 3, 2016, this case was referred for all pretrial matters except dispositive motions to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636. (Dkt. 14). On May 31, 2019, Plaintiff Nyjee L. Boyd (“Plaintiff”) filed a motion to amend his Complaint. (Dkt. 105). Defendants did not oppose the motion and/or took no position with respect to the proposed amendments directed to non-defendants. (Dkt. 107; Dkt. 108). On March 4, 2020, Judge Payson entered a Report and Recommendation recommending that Plaintiff’s motion be granted in part and denied in part. (Dkt. 129).

Pursuant to Federal Rule of Civil Procedure 72(b)(2) and 28 U.S.C. § 636(b)(1), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were timely filed.

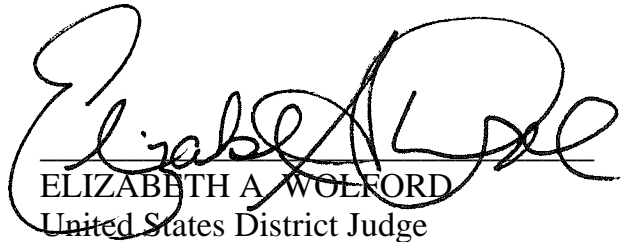
The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences,

failure [to timely] object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."").

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation and finds no error therein. Accordingly, the Court adopts the Report and Recommendation in its entirety. For the reasons set forth in the Report and Recommendation (Dkt. 129), Plaintiff's motion to amend (Dkt. 105) is granted in part and denied in part. In particular, Plaintiff is granted permission to amend Claims One through Five as proposed and is denied leave to add Claims Six through Eight. (*See* Dkt. 129 at 12).

Plaintiff shall file an amended complaint in accordance with the Report and Recommendation and this Decision and Order **by no later than April 21, 2020.**

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: March 26, 2020
Rochester, New York